

United States District Court

for

District of Guam

FILED

DISTRICT COURT OF GUAM

MAR 12 2007 hb

MARY L.M. MORAN
CLERK OF COURT

**Report for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearings is Attached)

Name of Offender: **Henry Taitague Quintanilla**

Case Number: **CR 95-00128-001**

Name of Sentencing Judicial Officer: **John S. Unpingco**

Date of Original Sentence: **February 16, 1996**

Original Offense: **Receiving, Concealing or Disposing of Stolen Explosive Materials, in violation of 18 U.S.C. § 842(h).**

Original Sentence: **Sentenced to 51 months imprisonment followed by three years of supervised release with conditions to include that the he not possess, use, administer, or distribute any narcotic or controlled substance; be subjected to random and scheduled urinalysis; shall attend drug treatment or aftercare; not commit another federal, state, or local crime; not illegally possess a controlled substance; refrain from unlawful use of a controlled substance; submit to one urinalysis within 15 days of release from imprisonment and at least two periodic drug tests thereafter; comply with the standard conditions of supervision; perform 300 hours of community service; and pay a \$50 special assessment fee. Modified on December 16, 2003 to include that he perform an additional 150 hours of community service. Modified on June 25, 2004 to include that he perform an additional 150 hours of community service. Modified on February 27, 2006 to include that he serve two months home confinement. Modified on March 6, 2006 to include that he serve 5 days of intermittent confinement. Revoked on May 9, 2006. Sentenced to 9 months imprisonment, followed by 27 month term of supervised release.**

Type of Supervision: **Supervised Release** Date Supervision Commenced: **January 17, 2007**

PETITIONING THE COURT

☐

To extend the term of supervision _____ years, for a total term of _____ years.

☒

To modify the conditions of supervision as follows:

1. The defendant shall serve two (2) days of intermittent confinement, pursuant to Title 18 U.S.C. § 3583(e)(2), 3583(d)(3) at the direction of the U.S. Probation Office, the Bureau of Prisons, and the U.S. Marshals Office.

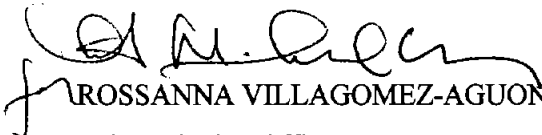
CAUSE

On February 8, 2007, Mr. Quintanilla tested presumptive positive for methamphetamine at the drug testing vendor. The sample was sent to Scientific Testing Laboratories, Incorporated because he denied use of illicit substances. On February 9, 2007, this Officer met with Mr. Quintanilla to address the positive drug test. He denied use of any illicit substances, and stated that he would wait for the laboratory report. On February 17, 2007, this Officer received the laboratory report, which indicated a positive result for methamphetamine. On February 21, 2007, this Officer met with Mr. Quintanilla to discuss the laboratory report. Initially, he continued to deny that he "used ice," however, he offered that, on February 8, 2007, he was in the company of a female individual who used "ice" in his presence, and blew "smoke" into his face. Mr. Quintanilla is willing to accept responsibility for placing himself in the situation. He executed an admission form, admitting to using methamphetamine on February 8, 2007.

Mr. Quintanilla has been regressed in the drug treatment and testing phase system as a result of the positive drug test. He submitted to a DNA sample of his blood on December 12, 2006, submitted his first monthly supervision report in a timely manner, and attended the supervision orientation program on February 15, 2007. In addition, Mr. Quintanilla will serve two months of home detention at a later date.

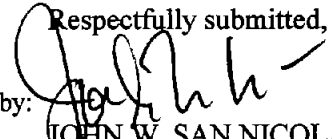
Based on the information above, this Officer respectfully requests that the Court modify the conditions of supervised release, pursuant to 18 U.S.C. § 3583(e)(2), to include that Mr. Quintanilla serve two (2) days of intermittent confinement as a sanction for his noncompliance. Attached is Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, with Mr. Quintanilla's consent to the modification.

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON

U.S. Probation Officer
Supervision Unit Leader

Date: MARCH 5, 2007

Respectfully submitted,

by: JOHN W. SAN NICOLAS II
U.S. Probation Officer

Date: Mar 5, 2007

THE COURT ORDERS

- ☐ No Action.
- ☐ The Extension of Supervision as Noted Above.
- ☒ The Modification of Conditions as Noted Above.
- ☐ Other The issuance of a Summons or a Warrant (circle one)

RECEIVED

MAR - 5 2007

DISTRICT COURT OF GUAM
HAGATNA, GUAM



HON. FRANCES M. TYDINGCO-GATEWOOD
Chief Judge

District of Guam

3/12/07

Date

United States District Court

for

District of Guam

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

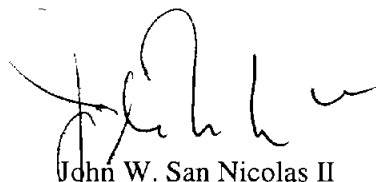
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


I agree to the modification of my supervised release conditions to include the following conditions:

1. The defendant shall serve two (2) days of intermittent confinement, pursuant to Title 18 U.S.C. § 3583(e)(2), 3583(d)(3) at the direction of the U.S. Probation Office, the Bureau of Prisons, and the U.S Marshals Office.

Witness:


John W. San Nicolas II
U.S. Probation Officer

Signed:


Henry T. Quintanilla
Probationer or Supervised Releasee

2/21/07

Date